

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**OLIVIA Y., *et al.*,
For And On Behalf of All Others Similarly Situated**

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251

**HALEY BARBOUR,
as Governor of the State of Mississippi, *et al.***

DEFENDANTS

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SUR-REPLY IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS NAMED PLAINTIFFS OLIVIA Y. AND
CODY B.**

Plaintiffs respectfully move for leave to file a sur-reply in further opposition to Defendants' Motion to Dismiss Named Plaintiffs Olivia Y. and Cody B. Defendants' 12-page brief submitted as a reply in further support of their original two-page motion advances new legal authority and factual grounds purporting to justify their untimely and unsupported motion. Plaintiffs respectfully request the opportunity to address Defendants' new legal authority and arguments. In support of Plaintiffs' motion for leave, Plaintiffs attach as Exhibit "A" herewith Plaintiffs' sur-reply.

Respectfully submitted, this 8th day of February, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2007, I electronically filed the foregoing with the Court using the ECF system, which sent notification of such filing to the following:

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